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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/309,766 05/11/99 FUJIMURA

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005514 MMC1/0410
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EXAMINER

RAMSEY, K

ART UNIT

PAPER NUMBER

2879

DATE MAILED:

04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/309,766

Applicant(s)
Fujimura et al

Examiner
Kenneth J. Ramsey

Group Art Unit
2879



☒ Responsive to communication(s) filed on Feb 8, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2879

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawade et al in view of Kato et al and Shinichi JP 07-296748. It would have been obvious for one of ordinary skill in the art to include both a non-evaporable getter and an evaporable getter in the vessel of Kawade et al since Kato et al and Shinichi both teach that gaseous contaminants produced during the exhaustion and sealing process can harm the cathodes if not gettered by a non-evaporable prior to sealing the exhaust tube. As to claims 5 and 6, the evacuation step is both prior to and during the activation of the non-evaporable getter since the temperature must be raised to activate the non-evaporable getter.

As to claims 10-12 and 22-24, the evaporable getter is obviously degassed during the heating and evacuation of the tube as are the other tube components.

Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawade et al, Shinichi and Kato et al as applied to claims 8 and 20 above, and further in view of Wallace et al. It would have been obvious for one of ordinary skill in the art to provide means for reactivating the non-evaporable getter such as taught by Wallace et al, column 6, line 66 through column 7, line 61, to thereby avoid the necessity of including a second evaporable getter.

Art Unit: 2879

Applicant's arguments filed February 8, 2001 have been fully considered but they are not persuasive. It was clearly taught by both Kato et al and Shinichi that it is desirable to activate a getter prior to sealing. In fact the non-evaporable getter of Kato et al is inherently activated prior to sealing during the bake out process.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to
Kenneth J. Ramsey, (703)308-2324 (voice), (703) 308-7382 (fax).

KJR

April 9, 2001

Kenneth J. Ramsey
KENNETH J. RAMSEY
PRIMARY EXAMINER